



# DEMOCRATIC \* NATIONAL \* COMMITTEE

Donald L. Fowler, *National Chair* • Christopher J. Dodd, *General Chair*

November 20, 1996

By Hand

Office of the General Counsel  
Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463

Attention: Alva E. Smith, Esq.

Re: MUR 4544

Dear Ms. Smith:

This will respond to the complaint in the above-referenced MUR, on behalf of DNC Services Corporation/Democratic National Committee (the "DNC"), and R. Scott Pastrick, Treasurer. A Statement of Designation of Counsel is enclosed.

Federal Election Commission regulations, at 11 C.F.R. § 111.4(d) provide that a complaint filed with the Commission should clearly state who is a respondent and clearly recite the facts that describe a violation of the Federal Election Campaign Act. The complaint filed in this matter does not directly name the Democratic National Committee, nor does it recite any facts that allege any violation of the Federal Election Campaign Act. Rather, the complaint merely alludes to statements made by Ann McBride of Common Cause during an appearance made on C-SPAN.

Since the DNC has not been provided a copy of this tape, it is impossible for the Respondent to file any meaningful response to any allegation made by either the complainant, or by Ms. McBride. Furthermore, to our knowledge, Ms. McBride, nor Common Cause has requested that the Commission investigate any actions taken by the DNC during the 1995-1996 election cycle.

To the extent that the Commission received this complaint in October, 1996, and as of the date of this letter, the DNC has still not been provided the tape upon which this complaint is based, the DNC has clearly been prejudiced. Commission regulations, at 11 C.F.R. § 111.5, require the General Counsel to review any complaint for substantial compliance with the technical requirements of section 111.4, and to forward such complaint to potential

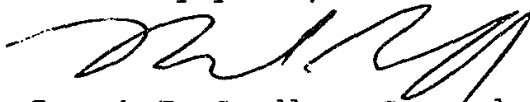
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respondents within five days of receipt of such complaint. First, since the receipt date on the complaint is illegible, it is impossible for the DNC to determine whether the Commission has complied with 11 C.F.R. § 111.5(b) in this matter. Second, since the DNC has not been served with a copy of the tape in this matter, it is our assumption that the Commission did not have possession of the tape on November 1, 1996, and therefore, service of this complaint was in violation of 11 C.F.R. § 111.5(a) since the complaint, on its face, does not meet the requirements of this regulation. To the extent that the Commission has failed to serve the complaint, along with the tape alluded to in the complaint in a timely manner, the DNC has been severely prejudiced.

For these reasons, the Commission should dismiss the complaint as to the DNC.

Sincerely yours,



Joseph E. Sandler, General Counsel  
Neil P. Reiff, Deputy General Counsel  
Democratic National Committee

Attorneys for Respondents DNC  
Services Corporation/Democratic  
National Committee and R. Scott  
Pastrick, Treasurer

# STATEMENT OF DESIGNATION OF COUNSEL

MUR 4544

NAME OF COUNSEL: Joseph E. Sandler, General Counsel  
Neil P. Reiff, Deputy General Counsel

FIRM: Democratic National Committee

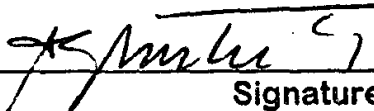
ADDRESS: 430 South Capitol Street, S.E.  
Washington, D.C. 20003

TELEPHONE: ( 202 ) 863-7110

FAX: ( 202 ) 863-8081

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

11.14.96  
Date

  
Signature

RESPONDENT'S NAME: DNC Services Corporation/Democratic National Committee  
and R. Scott Pastrick, as Treasurer

ADDRESS: Democratic National Committee  
430 South Capitol Street, S.E.  
Washington, D.C. 20003

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